



*John T. Auburger  
Supervisor*

# **TOWN OF GREECE**

## **PLANNING BOARD MINUTES**

**AUGUST 18, 2010**

**THE MEETING BEGAN AT 7:00 P.M.**

### **PRESENT**

Alvin I. Fisher, Jr., Chairman  
Alfred S. Ancello  
Christine R. Burke  
Brian E. Marianetti  
Grace L. Plouffe  
William E. Selke  
Michael H. Sofia  
Christopher A. Schiano, Deputy Town Attorney  
Scott R. Copey, Clerk of the Planning Board  
John Gauthier, P.E., Associate Engineer  
Linda R. Lamb, Planning Board Secretary

### **ABSENT**

### **ADDITIONS, DELETIONS AND CONTINUANCES TO THE AGENDA**

### **ANNOUNCEMENTS**

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**PUBLIC HEARINGS**

**Old Business**

**1. Applicant: North Greece, LLC**

Location: North Greece Road and Maple Center Drive

Request: Final plat approval for The Gardens at Fieldstone subdivision, Section 1, consisting of 28 attached single-family patio homes in pairs and a common area on approximately 12.36 acres

Zoning District: RML (Multiple-Family Residential)

Mon. Co. Tax No.: 044.02-1-36; -37; and -38.1

**The following is a synopsis of the discussion pertaining to the above-referenced request:**

Richard Giraulo, LaDieu Associates, P.C. presented the application.

Mr. Giraulo: I was before the Planning Board on August 8; and at that time, we had two remaining issues to be worked out and more determinations regarding ground water conditions on the site. We went out to the site last week and re-dug previous holes. At that time, they were completely dry. Digging at previous holes where soil was loose rather than compacted and finding no water makes us comfortable that the ground water is below seven to eight feet. We are close to resolving other Department of Public Works (DPW) issues.

Mr. Copey: There have been no additional comments since the last meeting, although we did receive revised plans on August 16. I was present along with two engineers from DPW when the holes were dug last week, and they were dry.

Mr. Gauthier: I think we are comfortable with the progress. It is a matter of cleaning up the drawings and getting the project underway.

Mr. Fisher: I believe that the main issue was groundwater, and it appears that the Town's staff is now satisfied.

**Motion by Mr. Selke, seconded by Mr. Sofia:**

The environmental review was completed pursuant to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (NYCRR Part 617 et seq., the "SEQRA Regulations") (collectively, "SEQRA") when the preliminary plat was approved by the Planning Board, at which time the Proposal was classified as an Unlisted action. The final plat is consistent with the preliminary plat. Therefore, SEQRA requires no further environmental review by the Planning Board.

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**

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**Mr. Selke then made the following motion, seconded by Mr. Sofia, to approve the Proposal, subject to the following conditions:**

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. Buildings shall conform to the elevations and locations shown on the approved subdivision or grading plans. At any time prior to the issuance of a certificate of occupancy, the Town may require certification of the location and elevation of the top of block of a basement or cellar. Certification of the as-built location shall be in the form of an instrument location map prepared by a licensed land surveyor. Certification of the as-built elevation, in relation to the vertical datum shown on the approved plans, may be in the form of either a survey note on the instrument location map, or an elevation certification form or separate letter prepared by a licensed land surveyor or licensed professional engineer. A note that indicates this requirement shall be added to the plat.
3. The Town's *2001 Community Master Plan Update* (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the Town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of this subdivision will contribute to the demand for additional park and recreation space, and that this subdivision provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to New York State Town Law, Section 277, payment of the Town's recreation fee shall be required for each building lot in this subdivision, payable to the Town upon the issuance of the original building permit for each house. A note that indicates this requirement shall be added to the plat.
4. No building permits shall be issued for any of the lots in this subdivision unless and until this final plat has been recorded in the Office of the Monroe County Clerk. The Liber and Page at which this final plat is recorded in the Office of the Monroe County Clerk shall be indicated on the approved, signed copies of this final plat that are submitted to the Town. A note that indicates this requirement shall be added to the plat.
5. No building permits shall be issued unless and until the Applicant executes an agreement for maintenance of the proposed storm water management pond. Such agreement shall be subject to approval by the Planning Board's Attorney and the Commissioner of Public Works.
6. Drainage easements shall be provided over the proposed storm water management facilities, and any streams, wetlands, or flood zone areas on the site. Such easements shall be shown on the plat, site plan, utility, and grading sheets. The final boundaries and terms of such easements shall be subject to approval by the Planning Board's Attorney, and the Commissioner of Public Works.

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7. No final approval signature shall be placed on the plans unless and until the appropriate easement documents have been prepared and provided to the Town for review.
8. No building permits shall be issued for any of the lots in this subdivision unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk. The Liber and Page of easement filing shall be referenced on final as-built record drawings provided to the Town.
9. Upon completion of construction of the storm water management pond, the Applicant shall provide certification that such pond was constructed as designed and approved. Such certification shall be provided in the form of an as-built topographic survey with pertinent utility structures shown, prepared by a New York State Licensed Land Surveyor. No final approval signatures shall be placed on the site plan unless and until the Applicant has submitted to the Town a financial guarantee (such as a letter of credit, certified check, or other acceptable instrument), in an amount approved by the Town's Commissioner of Public Works and the Town Attorney, that is sufficient to properly construct the proposed pond, and to provide the aforementioned certification. No release of such financial guarantee shall be made unless and until the improvements and certification are completed to the satisfaction of the Town's Commissioner of Public Works and the Town Attorney.
10. No building permits shall be issued for any of the lots in this subdivision unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures and the Liber and Page at which this final plat is recorded in the Office of the Monroe County Clerk, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
11. Subject to approval by the Town's Chief Engineer and Commissioner of Public Works.
12. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include successors and assigns.
13. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
14. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**  
**APPLICATION APPROVED**  
**WITH CONDITIONS**

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**New Business**

**1. Applicant: Ben-Fall Development, LLC**

Location: Putney Place at Peck Road  
Request: Final plat approval for Stonewood Manor subdivision, Section 3, consisting of 7 single-family lots on approximately 4.52 acres  
Zoning District: R1-44 (Single-Family Residential)  
Mon. Co. Tax No.: 058.01-2-1.21 and 058.01-2-36

**The following is a synopsis of the discussion pertaining to the above-referenced request:**

Robert Winans, P.E., LaDieu Associates, P.C. presented the application.

Mr. Winans: We are here for Section 3 approval. The roadway, sanitary sewer, storm water connection have been established as part of Sections 1 and 2. Section 2 now is being cleared and graded for construction. This application is for seven residential lots on 4.5 acres. The storm sewer system that was installed for Section 1 is installed and working. The second, upper pond is being constructed now and will provide the final storm water detention for this project.

Mr. Copey: The final plat was not subject to review by the Monroe County Development Review Committee (MCDRC) or the Greece Environmental Board (GEB). We had no Town comment from Town staff. The conservation easement is in the works to be filed for the entire subdivision.

Mr. Gauthier: We had only minor comments and I see no issues that would keep us from recommending approval at this time.

**Motion by Ms. Plouffe, seconded by Ms. Burke:**

The environmental review was completed pursuant to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (NYCRR Part 617 et seq., the "SEQRA Regulations") (collectively, "SEQRA") when the preliminary plat was approved by the Planning Board, at which time the Proposal was classified as an Unlisted action. The final plat is consistent with the preliminary plat. Therefore, SEQRA requires no further environmental review by the Planning Board.

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**

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**Ms. Plouffe then made the following motion, seconded by Ms. Burke, to approve the Proposal, subject to the following conditions:**

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. Buildings shall conform to the elevations and locations shown on the approved subdivision or grading plans. At any time prior to the issuance of a certificate of occupancy, the Town may require certification of the location and elevation of the top of block of a basement or cellar. Certification of the as-built location shall be in the form of an instrument location map prepared by a licensed land surveyor. Certification of the as-built elevation, in relation to the vertical datum shown on the approved plans, may be in the form of either a survey note on the instrument location map, or an elevation certification form or separate letter prepared by a licensed land surveyor or licensed professional engineer. A note that indicates this requirement shall be added to the plat.
3. The Town's *2001 Community Master Plan Update* (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the Town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of this subdivision will contribute to the demand for additional park and recreation space, and that this subdivision provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to New York State Town Law, Section 277, payment of the Town's recreation fee shall be required for each building lot in this subdivision, payable to the Town upon the issuance of the original building permit for each house. A note that indicates this requirement shall be added to the plat.
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7. No final approval signature shall be placed on the plans unless and until the appropriate easement documents have been prepared and provided to the Town for review.

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8. No building permits shall be issued for any of the lots in this subdivision unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk. The Liber and Page of easement filing shall be referenced on final as-built record drawings provided to the Town.
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<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**  
**APPLICATION APPROVED**  
**WITH CONDITIONS**

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**1. Applicant: 4320 West Ridge LLC**

Location: Generally north of and including 4232 – 4350 West Ridge Road

Request: Site plan approval for Phase I of the Hampton Ridge Center commercial development, consisting of a proposed automotive sales and leasing dealership (28,924+/- square feet) with related parking, utilities, grading, and landscaping on approximately 7.2 acres, plus additional acreage for storm water management

Mon. Co. Tax No.: 073.01-1-2.1, -3, -4, -5, -6, -7; 073.01-2-63, -64.111, -64.12, -64.2, -68

**The following is a synopsis of the discussion pertaining to the above-referenced request:**

Andrew Hart, RLA, ASLA, of Bergmann Associates; Thomas Greiner, Esq., Nixon Peabody; and John DiMarco II, The DiMarco Group, represented the applicant.

Mr. Hart: Since our July 21 meeting, we have met with Town staff and gone over the Engineering comments. We have responded to those comments in a letter dated August 11. We have come to an agreement on those issues. Also since we last met, we received preliminary comments from the Town's Traffic Advisory Committee (TAC). They asked for more pedestrian circulation throughout the site, which we have done on the new drawings. We also have shown an example of an offset "T" internal intersection. We have submitted new plans – which you received today – depicting the site, as well as the Auction Direct site. The additional sidewalks are shown along Auction Direct and will be constructed during Phase 1. During Phase 2, we would construct new sidewalks along West Ridge Road, coming into the site, and also connecting to the Kohl's site to the east. We have reconfigured the pond to provide for a 100-foot-wide buffer to the east. We have updated the landscape plans to show 12 additional shade trees along the entry drive and 6 shade trees within the Auction Direct parcel, as the Tree Council had suggested. We submitted a new lighting plan showing the entrance drive lighting coming in from West Ridge Road.

Mr. Copey: Since our last meeting, there has been correspondence back and forth between the attorney for Mr. DiMarco and the attorney for Pat Basset, the adjoining land owner, regarding the sanitary sewer and the availability of that sewer. We can obtain more information on that subject tonight. As requested, we received a letter from Mr. DiMarco regarding the phasing of the project. Since our last meeting, we received comments from the Monroe County Development Review Committee (MCDRC), with no significant comments provided. We received comments from the TAC, as well as responses from the applicant. In the drawings that we received today, you will see an alternative layout for the four-way intersection. It shows the east leg with a right-in only lane. If nothing else, it demonstrates a willingness to work with us on this. The buffering along the east side is a definite improvement; we would like to hear the Board's reaction to that. We are not in a position to recommend approval tonight, as we are still working through the details and hoping to have a resolution to the sewer issue.

Mr. Gauthier: Let me say that we have done a preliminary review of their responses to our concerns. In general, the responses are positive. Details have not been verified with the drawings; but things appear to be moving in a positive direction at this time.

Mark Moretti, Esq.: I am here as attorney for Pat Basset, who is a business and property owner in the Town of Greece. I am the author of one of the letters referred to by Mr. Copey. We have reviewed the DiMarco Planning Board application. It is our position at this time that if the Board approved the application, we would respectfully request that you condition



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the approval by a widening of the 20-foot public easement by 1 foot so that it becomes adjacent to the western boundary of the Hampton Ridge project, and that the Town take immediate dedication of the sewer line upon its completion. That request is not inconsistent with the writings of the Planning Board application submitted. There is a Bergmann report which speaks to the sewer. I will paraphrase from Section 2, page 4: "There is an existing 15-inch sanitary sewer owned by the Town of Greece approximately 2,000 feet north .... To facilitate Phase 1 of this project as well as the full build-out, a 15-inch sanitary sewer will be extended south from Images Way through the project and terminated on the western road right-of-way. The construction of this extension will follow the Town of Greece requirements and be dedicated to the Town." There is no question it is intended to be a public sewer. All we are asking is do it immediately upon completion. It goes on to say "...Sanitary sewer demands have been calculated based on full build-out of the site and have been included in Appendix 2 of the report. Based on those demands and discussions with the Town of Greece, there is capacity within the existing 15-inch sanitary sewer to the north for this development." It has always been contemplated that it will serve a larger area than just this little development. If you read Mr. Greiner's letter, you get the impression that this is one little lateral serving a private piece of property with property rights. If you read the application, it's different. It's not a four-, six-, or eight-inch lateral going out to a small piece of property; it's a 15-inch extension of a main line. It is contemplated that it will follow Town of Greece project. As I look at Mr. Greiner's letter, he is saying this is a private property issue and we are intruding on those private property rights. If you are looking at it from that general theoretical basis, the very existence of this Planning Board is an infringement on his private property rights because you are telling him what he can and cannot do with respect to his private property. We are asking for an extension of a public easement so that the Town of Greece is the entity who controls development in this area. The Town of Greece is the one who says who hooks up and collects the sewer right for the larger community. Mr. Greiner's letter also suggests that this sewer issue is something we are interjecting in the site plan issue. There is an entire section in the Bergmann report that deals with the sewer. That is part of the project, of what needs to be done, and to say that we are distracting the Planning Board from its function is untrue. This is one of the items you are charged with regulating. You need to come up with a comprehensive plan that deals with the larger community, not just Mr. DiMarco. We have stated our position in the two letters we have submitted. The case of *Bihari v. Yacyshyn* we have cited is directly on point. It states you have to contemplate the larger picture. The other issue is when you see the map, that is where hidden in the one-foot gap as to where the public easement right is and where the property line of any adjacent property owner is. That one-foot gap could be a mile. Even when the Town gets the public easement, there is still a one-foot gap. We have to traverse the DiMarco property to get to where we need to be. The DiMarco Group should not be given the right to say, "No, this is a private property right and you cannot hook up to the Town." If you have let him get what he wants, you have surrendered control of a public utility. In granting the approval of this project, you must put into place the requirements that allow an orderly development of this area. That is what we are asking you to do. One additional comment, that one-foot gap on the map is not referred to directly in the submissions. In Mr. Greiner's letter on page 2, one line jumps out at me: "... as the Planning Board can see from the submitted plans, the DiMarco Group has already provided for a 20-foot municipal sewer easement to run north along its western boundary with Mr. Basset and hence northerly to tie into the existing public sewer." That is kind of true; but leaves the impression that the easement is adjacent to the Basset property. That is false and is at best misleading; there is a gap.

Mr. Fisher: Since our last meeting, we had an opportunity to visit the cobblestone house located on the site. It was in better condition than I had anticipated. The applicant's letter indicates their willingness to not let it deteriorate any more and hold it secure for possible

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future use. We are hopeful that it will find a good commercial use for it. I think that the condition of the roof has to be resolved. I would look at the roof as a central element in maintaining the house as it is now. I would suggest that it is important for the applicant to inspect and repair the roof as needed. The interior appeared to be in good condition, and the roof is key to it remaining that way.

Mr. Selke: I would like to hear what the applicant is planning on doing to keep the building integrity.

John DiMarco II, The DiMarco Group: Our desire is to secure the site. We have agreed that the home would remain and be undisturbed. In looking at it, it appears to be in sound shape. I don't think that there is anything wrong with the roof structure. We were proposing to do some minor repairs where needed because the roof is old. The house will be out in front of businesses we are developing on the site. It needs to take it from where it is today (covered with vines and overgrown trees) and make it presentable. The house is under 800 square feet and we are having a difficult time trying to determine what we can do with it. It is not American Disabilities Act (ADA) accessible, either.

Mr. Fisher: It looked like it wasn't totally secure.

Mr. DiMarco: Yes, we keep closing it up and people keep finding ways to get in. After the development occurs, we are hopeful that the activity in the area will stop that.

Mr. Fisher: Looking at photographs of the structure that were only a couple years old, it appears as though the vines have really grown significantly and are now covering windows. Minimally, the vines need to be cut at the bottom so that there is no further growth. Ivy can really overtake the house.

Mr. DiMarco: We will cut the overgrown vegetation back. We plan to remove some of the trees as well. They are dumping leaves and debris on the roof and gutters.

Mr. Fisher: We also noted giant hogweed in the area.

Mr. DiMarco: The New York State Department of Environmental Conservation (NYSDEC) currently is eradicating it. The most damage is to the interior paint. It seems to be peeling away due to it being subjected to cold temperatures. We intend to do as you are requesting.

Mr. Fisher: We would like some assurances as to the condition of the roof.

Mr. DiMarco: We can have a roofer take a look at it. Our concern with doing any work prematurely with the structure, relates to not knowing what its future use will be. We don't want to do a lot of work to the house when modifications will be made to it to make it useful.

Mr. Fisher: I think the way to get around the ADA requirements and the limited size is to put some kind of addition on it. The current cobblestone structure remains the façade with the addition. I understand that the current addition is likely to be removed.

Mr. DiMarco: The addition seems to be in more disrepair than the house itself. The addition probably will be removed and has no historical value. One of the walls of the addition is actually the living room wall of the cobblestone. The addition is really a three-sided structure. The access into the building appears to be the old rear access and is now an interior door. I think that it was done to provide a way to enter the house on grade and walk up an interior flight of stairs versus an exterior flight of stairs. The basement has very low floor joists. It is not full depth, but it did have access to go into the house. In order to meet ADA requirements, you would have to have some type of half-flight structure that you could use maybe as a waiting area. The user is going to need to be involved with how the structure is to be modified.

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Mr. Selke: Do you have any ideas to protect the home from vandals in the meantime?

Mr. DiMarco: We are putting on new doors and new locks. There is no power on in the building. No matter what we do now, the property is virtually invisible to the road and people can spend as much time as want to get into it. Once we have development, the house will be visible on all sides. It will be well lit.

Mr. Selke: In what kind of state do you plan to leave the frontage on West Ridge Road until you develop it?

Mr. DiMarco: We propose to modify the grade so that it flows continuously from West Ridge Road through that area. It will be seeded and maintained in a field scenario, not lawn mowed. There will be three pads for out lots in the front, which will be prepared to sub-base.

Mr. Fisher: There was one large willow tree branch hanging over the house. I'd like to see that removed before it falls on the house.

Mr. DiMarco: We have been resistant to moving out there because every time we drop a piece of equipment or something I get phone calls asking what are we doing out there. We will take that down and clean up the entire area.

Mr. Fisher: I appreciate the expansion of the buffer zone back by the existing homes. Is there any possibility for something similar to the north?

Mr. Copey: That is Tom Thomas's property and is zoned residential and is just to the west of the Images subdivision.

Mr. Fisher: We currently don't have any substantial vegetation on that side. I'd like to see 100 feet of buffer there as well. What is back there?

Mr. Copey: The woods on the property are pretty uniform front to back so that anything existing to the east property line is likely to be the same on the north.

Mr. DiMarco: I am meeting with Mr. Thomas next week to get an understanding of his plans for development. There is a considerable amount of wetland to the north of our property. Tom is aware of our development. We can work with him.

Mr. Fisher: Our intent is to have a buffer from commercial property to residential. I'd like to know what is available for a buffer in that area.

Mr. DiMarco: I'll have feedback next week.

Mr. Selke: You don't have a lot back there, so the buffering will have to come from Mr. Thomas's property.

Mr. DiMarco: Correct. I can discuss and see if he is agreeable.

Mr. Selke: Tell me about the pond.

Mr. Hart: It is gradual with 1:4 or 1:5 slopes with a waterline shelf. It meets NYSDEC guidelines.

Mr. Selke: The road will be paved as far as the auto dealership. What will the road look like from there on back, temporarily?

Mr. Hart: It would be lawn for now. We could keep the area clear so that you can still get to the pond.

Mr. Selke: Whose responsibility is it to maintain, clear the pond?

Mr. Gauthier: The developer will have responsibility but the Town typically would want access to inspect and in case of an emergency.

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Mr. DiMarco: The pond is a fill site and throughout all phases of construction there will be access to the pond by us or the Town.

Mr. Selke: Where is the pond outflow hooking up?

Mr. Gauthier: The outflow is heading to the north along the existing tributary. Because there is such need of fill, their documents indicate a good level of attenuation. There will not be a significant outflow, even during extreme events. This project will significantly help the homes on North Greece Road. It will reduce the peak flow from this portion of the town.

Mr. Fisher: We had initial concerns about the traffic. The first major intersection needs to look like situations where we have had similar conditions. I think the concern is, as development moves forward, this main flow through the parcel, the four-way intersection was a nightmare in waiting. It was larger than some we have historically had problems with. We look for the applicant to work with the TAC to come up with a reasonable way to deal with entering traffic while still allowing other vehicles to cross. We'd ask you continue to work with Town staff and the TAC to make this safe.

Mr. DiMarco: We submitted drawings showing potential intersections, both four-way and offset T. (He showed the two scenarios.) Not knowing the traffic mix yet, it is tough to determine what will work best. We have provided alternatives to show flexibility. As we move forward with new development, we will be coming back to the Planning Board and will review the traffic flow. From the applicant's perspective, with two signalized intersections and a third non-signalized one proposed, we have spent a lot of time with consultants coordinating both sides of the road. I believe with three access points out and no entities and uses inside, the plaza will have many solutions and we don't need to make a decision today. I expect it to change over the life of the project. Currently, it will be a T intersection with one tenant.

Mr. Fisher: We have gotten quite a bit of correspondence regarding the sanitary sewers. The Planning Board is looking for a recommendation.

Mr. Schiano: I'm not in a position to recommend to the Board now to act on this case just yet. We are reviewing the original approval. I would encourage the parties to resolve the matter. It has to be resolved before we move forward.

Mr. Fisher: This is a complex matter and we look to the Town staff, counsel, and engineering for recommendations. Our normal practice is to continue to the adjacent property and see if there is something different here.

Thomas Greiner, Esq.: I am the attorney for the DiMarco Group. I couldn't agree more. I thought we were in that position last week when I had exchanges with Mr. Moretti. He asked for a confirmation and I said I would get back to him as soon as I could. Unfortunately, the next time I heard was with his letter to the Town, as opposed to communication with me. Just a couple points if we can work this out fine. Correct me if I'm wrong, right now the proposal is for a private lateral. The fact that it is sized with foresight to the future, speaks more to the planning of my client. I don't think it should bootstrap my client in giving it to them for free. This needs to be done now and for free. Private property is still private property. This is intended to be a private lateral. The fact that it is a foot away is tantalizing but it could have been placed hundreds of feet to the east and it wasn't. When it becomes public, it will be much easier to hook into, and I think that point should not be lost. I agree with Mr. Schiano – the lawyers can deal with case law. I have read the case law and I provided it to the Town to give to Mr. Schiano. I believe it is talking about a developer providing for the provision of reserving an easement, so it is not foreclosed because of bad planning. You build something and at the end of the day there is a foreclosure on building a sewer because of bad planning. Here, the planning is done. The 20-foot easement has been described. The fact that eventually it is likely it will become a

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dedicated sewer doesn't mean that today a private lateral has to be given away to someone else without compensation. That is our main point here. This project addressed the issues that the rezoning looked at in the findings statement. I think that there are issues to be resolved, but those are site planning issues. This other, I called it a diversion in my letter. What I really meant to say is this Board ought to be looking at this project in its traditional role of site planning, not as to whether or not somebody else may be able to "trump the Constitution." Obviously, this project has sewers and there is a section of the Bergmann report relative to that, but that doesn't mean somebody has the immediate right to it. I urge the Board to look at this as they do a typical project and look at site plan issues. The fact that it is a 15-inch sewer means that it is planned for the future, but doesn't mean that it is already public. We will try to continue to work with the property owner.

Mr. DiMarco: I would like the Board to understand that we purchased this property freely on the market. It was available to anyone who wanted to purchase. We bought it specifically because it came with rights to the sewer. There was an extensive premium paid. The ability to develop the property was conditioned on access to that sewer. Unfortunately we have a large project to develop, we are in the process of developing, and in that process the sewer will be extended to our property. I agree with my attorney saying that there has been a lot of forethought to post development of this project. This could easily be an eight-inch sewer. It was done with a lot of forethought into the future. For right now, there is a lot of expense to bring the sewer to our property and there is one user. If by chance this project does not move forward, the sewer easement to date will be a manhole 350 feet off Mill Road. I have yet to hear someone stand up and ask what amount to write the check for. I am here for site plan approval of one user. I have a private lateral and a private easement to get to the sewer that I paid a lot of money for. As the applicant, I ask you to look keenly at the plans to see that it has been well planned and well thought out for many years into the future for the benefit of the Town of Greece.

Mr. Moretti: I have four quick points I want to make. I think whatever he purchased the property for, he did not purchase the right to take over from the Town the control of development in this area. I would hope Mr. Greiner is not trying to suggest that it would be unconstitutional for you to make this a 21-foot easement. It takes two to tango. We have asked for communication and dialog but we have to have a response back. I did, in fact, reach out to Mr. Greiner last week; the truth is, I didn't get an answer. So, yes, we did submit a letter and I still didn't get an answer; I got a letter from Mr. Greiner. We are willing to sit down and talk, but we need someone to talk to and respond. The western parcel is in fact zoned residential. This commercial project will affect the residential piece and I agree as suggested that it should be bermed and landscaped to protect it. But there is no reason to treat the northern parcel any differently than the western parcel. If we are going to do that to the north, we should also do to the west as well. This Board does have a history of trying to make approvals for sanitary sewers that are placed in the Town's right-of-way. In fact, my client recently had an approval before this Board where he was required to have certain sanitary sewers within the Town's public right-of-way.

Mr. Fisher: I agree. Anywhere there is commercial property adjoining residential, it should be buffered.

Patrick Basset, property owner to the west: I have owned this property since 1983. I have paid taxes on it since that time. If someone thinks I'm getting something for nothing, that's not true. I've been waiting for years for this sewer, which has been in the control of another developer for years. Here we have a dedicated sewer, in control of the Town, a private developer has been making inroads with that private sewer. It has now been 10 or 11 years since that sewer has been in control of a developer. Other developers had to extend the sewer to that developer on their nickel. Here we are in 2010 and it's coming 12 inches from my property and I'm suggested to open my checkbook to pay for something the Town

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should be putting in place without my checkbook being involved. I've been doing underground work for 15 years and I've never seen a 15-inch lateral. I have issues with what this Board turned down, especially with this depth. I have owned this beautiful property with streams and beautiful trees. You've put a big development with parking lots in there. How do you sell houses now? I have other issues I don't expect this Board to deal with; but as far as the sewer, paying a lot of money for a piece of property because the sewer was available. I have never been able to buy a piece of property and have control over the sewer. At this point in time, enough is enough. The sewer belongs to the Town, is dedicated to the Town, and that 15-inch lateral would not be able to go into that manhole if it wasn't dedicated. The Town should control it. I want to remind this Board that they did not recommend this project.

Mr. Sofia: I want to reiterate the buffering thing. It was mentioned earlier that there was significant buffering on the north property owner's property. It is not up to that owner to buffer your site. If he wanted to clear to your site, he could. We need to see more buffering there. The depth in buffering is 100 feet on one side. It has to be consistent surrounding the property. How is the road being proposed today?

Mr. Hart: (Shows what is being proposed.) The map is consistent with the rezone map and is in compliance with that State Environmental Quality Review Act (SEQRA) review. When you look at environmental conditions and impacts, buffering would have been an issue and we would have looked at it; it was not looked at by the Town Board.

Mr. Copey: There are a number of things that have to be resolved, or you wouldn't be in front of this Board. The sanitary sewer issue, design, traffic flow. The Planning Board works through these issues, including buffering. Did the road shown on the western side of the property extend past the end of the Vanderstyne property along Pat Basset's property?

Mr. Hart: I think when we came past that property, we moved further into the DiMarco parcel.

Mr. Copey: It wouldn't be unrealistic to consider buffering along the west side where it adjoins the residential next to Vanderstyne Toyota.

Mr. DiMarco: The location of the road was dependent upon curb cuts on the south side of West Ridge Road. The developer to the south produced an intersection that center-lined on our property and Vanderstyne's property.

Mr. Copey: Okay, but we are talking about buffering between this property and residential.

Mr. DiMarco: I'm just telling you why that road was placed there. It was there to align with the development to the south. We are showing it there because the New York State Department of Transportation (NYSDOT) has requested the intersection alignment. It is not being developed at this time because Phase 1 stops here. We originally had shown that curb cut on our property. The whole road was on our property. The Town thought that it made sense to have it available to more than one parcel. If we placed it on our property, it could be accessed by our property alone. It was done to eliminate curb cuts along West Ridge Road. To answer your question, we didn't give a lot of thought to how far we would progress down through there. We need to speak with the property owners to do that. It could be developed on our property in the future.

Mr. Hart: This corner will not be developed either, because of what the the Smith Creek floodplain study showed; that area will remain undisturbed.

Mr. DiMarco: Take a look at the zoning of the property, to this depth, heading north. North of Manitou Road is all commercial. The property to the west of this is commercial to a depth similar to what we are talking about here. That road on that property line was more regional in its plan and was part of the traffic studies done for the corridor. I'm comfortable

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with moving it to our property in the future. Currently there is no buffer between Vanderstyne and our property.

Mr. Fisher: We normally don't concern ourselves as much with buffering commercial properties next to other commercial properties. When you have commercial next to residential, we do provide buffering.

Mr. DiMarco: I think that there is opportunity to provide buffering on the residential property to the west, also.

Mr. Fisher: That is an issue that has to be resolved.

Mr. Gauthier: It would be helpful to give the applicant some direction. With this project, there is going to be a lot of dirt moved around. The first thing that you do is remove vegetation; it's not easy to put it back.

Mr. Fisher: Phase 1 includes the pond. The pond is adjacent to the north property line and to some degree to the west, so those two segments need provisions for buffering. We need to identify the buffering now.

Mr. Ancello: One hundred feet for buffering seems appropriate all the way around.

Mr. DiMarco: The portion of the pond being developed for Auction Direct is more to the west, next to commercial property. The pond is sized for full build-out. We don't need it that size for the first phase; so we can look at reconfiguring, and provide buffering to the west. We will speak to Tom Thomas about the buffering to the north. I don't know how much area between my property and his build-out will remain. He may be able to add buffer on his side of the property. The commercial property behind Auction Direct won't be disturbed during this phase anyway. We will be more to the east side of that access point.

Mr. Sofia: If Tom Thomas said, "Don't worry about it, I'll buffer 50 feet and you provide the other 50 feet," that wouldn't work. I wouldn't look at his 50 feet. It's possible that it could be sold and the new owner could mow to the property line; we'd lose the buffering at that point. You have to be responsible for the buffering of your site.

Mr. DiMarco: I don't want to argue the point, but we are buffering a forever wild pond here.

Mr. Selke: What will take place on the dealership site?

Mr. Hart: We have an application in front of the Board of Zoning Appeals (BZA) for a special use permit to allow the sale of vehicles. In the front of the site, we have spaces for 409 inventoried vehicles. The lot will be buffered with low landscaping and a fence. The only way into the inventory area is through the building. It is not like a normal dealership where people can walk through the inventory. There will be maintenance bays for car doll-ups inside the building. There will be light maintenance done, with all parts stored inside the building. Used parts are stored inside and recycled.

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**Motion by Mr. Marianetti, seconded by Ms. Burke, to continue the application to the September 8, 2010, meeting.**

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Burke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Selke</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**  
**APPLICATION CONTINUED TO**  
**SEPTEMBER 8, 2010, MEETING**

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**2. Applicant: Home Leasing, LLC**

Location: 3027 – 3057 Latta Road

Request: Site plan approval for Phase I of the proposed Gardens at Town Center apartments, a two- and three-story apartment building for senior citizens (98 dwelling units in Phase I; 176 total dwelling units, 61,250+/- square feet total), with related parking, utilities, grading, and landscaping on approximately 11.8 acres

Zoning District: RMS (Multiple-Family Residential, Senior Citizen)

Mon. Co. Tax No.: 045.03-45 and -6

**Motion by Ms. Burke, seconded by Ms. Plouffe, to continue the application to the September 8, 2010, meeting.**

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Burke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Selke</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**  
**APPLICATION CONTINUED TO**  
**SEPTEMBER 8, 2010, MEETING**

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PLANNING BOARD MINUTES  
AUGUST 18, 2010

**New Business**

**1. Applicant:                   CLB Developers**

Location:                   500 Elmgrove Road

Request:                   Site plan re-approval for the Parkside Landing Senior Living Community (previously approved December 13, 2006), consisting of 24 one- and two-story, wood-frame townhouses, with related parking, utilities, grading, and landscaping on approximately 7.5 acres

Zoning District:       RMS (Residential Multiple-Family – Senior Citizen)

Mon. Co. Tax No.:   088.04-4-9

**The following is a synopsis of the discussion pertaining to the above-referenced request:**

Jess Sudol, Passero Associates P.C., represented the applicant.

Mr. Sudol: We are here for re-approval of 24 units located at 500 Elmgrove Road. The parcel is on the north side of the Gates-Greece line. This project was approved by this Board four years ago. I will give a quick summary to update the Board. We have 7.5 acres, with a stream dividing 75% of the parcel. We will bring in a private road with private utilities. We will have storm water management in accordance with the regulations. We started the project several years ago, cleared land, etc. We now are ready to continue with the project. One item slightly different from what was presented in the past is the sanitary sewer. We are in talks with Gates-Chili-Ogden sewer district, which is a division of Monroe County Pure Waters, about potentially installing an interceptor sewer through the property and dedicating it to them to service future upstream development. We are entertaining that, although that is not what is shown here. In providing the plans for re-approval, we made copies without the signatures of the previous approved plans. In doing that, we discovered that one piece of sewer that we added wasn't shown on the copied plans. I've spoken to Mr. Gauthier, and the plans will be corrected.

Mr. Copey: This is very much the same project that was approved in 2006. We asked them to provide new drawings for signature because they will be expanding the scope a bit. There is a triangular piece of property to the east that was left out of the rezoning; that was changed with Town Board's recent rezoning re-approval. They also have extended the multiple-family rezoning out to the road, which is more consistent with the way that we normally do it. The drawings will change a little. The sewer item is something that they are working through with our engineers. They want to reserve the right to move that sewer around with approval from Town Engineering and Pure Waters in a way that is beneficial to all.

Mr. Selke: Who else has to approve the sewer?

Mr. Copey: They have settled on a design and extended it out to the frontage. That is satisfactory to our engineer. I'm hearing that they may need the flexibility to change, and we will cover that in Condition #2.

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### **Motion by Mr. Selke, seconded by Ms. Plouffe:**

WHEREAS, CLB Developers (the "Applicant") has submitted a proposal to the Town of Greece Planning Board (the "Planning Board") for re-approval of the site plan, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property located at 500 Elmgrove Road (the "Premises"); and

WHEREAS, the Planning Board makes the following findings:

1. Upon review of the Proposal, the Planning Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
2. The Planning Board has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Planning Board's consideration.
4. The Planning Board carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Planning Board carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Planning Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Monroe County Department of Environmental Services, the Town of Greece Environmental Board, and the Town's own staff.
7. The Planning Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Planning Board as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Planning Board has met the procedural and substantive requirements of SEQRA.
10. The Planning Board carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Planning Board carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Planning Board concurs with the information and conclusions contained in the Environmental Analysis.

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13. The Planning Board has made a careful, independent review of the Proposal and the Planning Board's determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Planning Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Planning Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Burke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Selke</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**  
**SEQRA DETERMINATION**  
**NEGATIVE DECLARATION**

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**Mr. Selke then made the following motion, seconded by Mrs. Plouffe, to approve the Proposal, subject to the following conditions:**

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. The Applicant reserves the right to relocate the proposed sanitary sewer upon approval by the Chief Engineer, Commissioner of Public Works, and/or Monroe County Pure Waters.
3. Buildings shall conform to the elevations and locations shown on the approved subdivision or grading plans. At any time prior to the issuance of a certificate of occupancy, the Town may require certification of the location and elevation of the top of block of a basement or cellar. Certification of the as-built location shall be in the form of an instrument location map prepared by a licensed land surveyor. Certification of the as-built elevation, in relation to the vertical datum shown on the approved plans, may be in the form of either a survey note on the instrument location map, or an elevation certification form or separate letter prepared by a licensed land surveyor or licensed professional engineer. A note that indicates this requirement shall be added to the plat.
4. The Town's *2001 Community Master Plan Update* (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory

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and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the Town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of this subdivision will contribute to the demand for additional park and recreation space, and that this subdivision provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to New York State Town Law, Section 277, payment of the Town's recreation fee shall be required for each building lot in this subdivision, payable to the Town upon the issuance of the original building permit for each house. A note that indicates this requirement shall be added to the plat.

5. No building permits shall be issued unless and until the Applicant executes an agreement for maintenance of the proposed storm water management pond. Such agreement shall be subject to approval by the Planning Board's Attorney and the Commissioner of Public Works.
6. Drainage easements shall be provided over the proposed storm water management facilities, and any streams, wetlands, or flood zone areas on the site. Such easements shall be shown on the plat, site plan, utility, and grading sheets. The final boundaries and terms of such easements shall be subject to approval by the Planning Board's Attorney, and the Commissioner of Public Works.
7. No final approval signature shall be placed on the plans unless and until the appropriate easements and/or agreements documents have been prepared and provided to the Town for review.
8. No building permits shall be issued for any of the lots in this subdivision unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk. The Liber and Page of easement filing shall be referenced on final as-built record drawings provided to the Town.
9. Upon completion of construction of the storm water management pond, the Applicant shall provide certification that such pond was constructed as designed and approved. Such certification shall be provided in the form of an as-built topographic survey with pertinent utility structures shown, prepared by a New York State Licensed Land Surveyor. No final approval signatures shall be placed on the site plan unless and until the Applicant has submitted to the Town a financial guarantee (such as a letter of credit, certified check, or other acceptable instrument), in an amount approved by the Town's Commissioner of Public Works and the Town Attorney, that is sufficient to properly construct the proposed pond, and to provide the aforementioned certification. No release of such financial guarantee shall be made unless and until the improvements and certification are completed to the satisfaction of the Town's Commissioner of Public Works and the Town Attorney.
10. No building permits shall be issued unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures and the Liber and Page at which this final plat is recorded in the Office of the Monroe County Clerk, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
11. Subject to approval by the Town's Chief Engineer and Commissioner of Public Works.
12. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include successors and assigns.

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13. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
14. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Burke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Selke</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**  
**RE-APPROVAL GRANTED**

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PLANNING BOARD MINUTES  
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**SPECIAL PLANNING TOPIC**

**1. Applicant: Church of Christ, Inc.**

Location: 15-25 Lawson Road

Request: Request for recommendations to the Board of Zoning Appeals relating to variances required for number of parking spaces and parking off-site, relative to a proposed addition to an existing place of worship on approximately 1.1 acres

Zoning District: R1-8 (Single-Family Residential)

Mon. Co. Tax No.: 060.07-3-38

**The following is a synopsis of the discussion pertaining to the above-referenced request:**

Gary Garafalo, PE, Razak Associates, represented the applicant.

Mr. Garafalo: I am here on behalf of the church with John Brazas, who is a Church Trustee and Elder. We are looking for a recommendation to the Board of Zoning Appeals (BZA) for variances required. The project is on the south side of Lawson Road, just east of Dewey Avenue. The southern neighbor is Dr. Sansone's property. There have been discussions with Dr. Sansone about sharing the parking on his property and eliminating parking in the Town right-of-way of Lawson Road. We have reduced the length of the building by 14 feet, from 72 feet to 58 feet in length. We are working with Dr. Sansone and the Fire Department. We have ensured the correct number of parking spaces, come to an agreement to use the offsite parking, and worked out the flow for emergency vehicles. Currently, there are 28 parking spaces on the church parcel; they will be rearranged but maintain the 28 spaces. With the agreement in place, we will have 39 additional parking spaces off-site; we also have shown banked parking on our site should it become needed. There will be a 60-day notification clause in the agreement for termination rights. If the agreement were to be terminated, we could move to the banked parking shown on our site.

Mr. Copey: We do not have fully engineered plans because we are here today simply for the recommendation to the BZA. The Fire Marshal has comments regarding fire lane width and adequate utilities for fire sprinklers. The parking spaces that are shown to the east of the existing site are there should the off-site parking agreement be terminated. The church is demonstrating that they can provide the parking if needed. There are variances required, one of which is for parking on another site, as well as pavement setback variances. The drawing shows a dotted line for a future access road out to Tanglewood Drive. We recommend against that.

Mr. Gauthier: I think that what you show makes as much sense as possible without fully engineering the plans out. We want to make sure that the storm water facility does not result in any filling of the floodplain. We need to ascertain what will occur during a 100-year event and stay out of that area. The creek is an area identified as a concern.

Mr. Copey: Is the storm water facility to be constructed with the church or are you waiting for the eventual parking expansion?

Mr. Garafalo: Because the area currently is used as a play area – and their desire is to keep that area close to the building – the pond will be built in phases. They will make it just big enough to mitigate the building addition and parking lot changes. If the banked parking were required, we would expand the storm water management facility.

Mr. Gauthier: You could go with a dry pond with the playground right over it.

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Mr. Brazas: We don't have commercial dollars but we do want it flat.

Mr. Gauthier: It's called structural soil. It is something that plants grow well in. It looks like a garden or play area, and underneath you are storing the water in a void space; it's not free.

Mr. Garafalo: Working with the Fire Marshal, we looked at a drive-through and looked at a T- intersection (which would require us to build about half of the banked parking lot) to give the truck enough space to turn around. Right now, we are looking at working with Dr. Sansone for emergency vehicles to go through his lot if necessary. It could mean eliminating one parking spot.

Mr. Fisher: We aren't here to approve plans tonight, and there are issues to be worked out. I think that we have enough information to make a recommendation.

Mr. Ancello: Have the residential neighbors commented on this?

Mr. Copey: There hasn't been a notification. There will be one for the September 7 BZA meeting so that they will have an opportunity to discuss.

Mr. Garafalo: I have one last question. Since we are losing 12 or 13 parking spaces within the right-of way, we would like to place a few spaces in the front.

Mr. Fisher: Normally, we see the spaces as perpendicular, not on that angle. If there are reasons why you are doing that, it would be considered.

Mr. Garafalo: The angle is due to the limitation of the drive. It gives office workers better access to the building.

Mr. Brazas: We are trying to leave the front green and minimize asphalt. I think that is a good reason.

**Mr. Sofia then made the following motion, seconded by Mr. Ancello, to recommend approval of the variances requested.**

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**  
**RECOMMENDATION MADE**

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**2. Applicant: James Kartes**

Location: 2241 – 2263 Edgemere Drive

Request: Local Waterfront Revitalization Program (LWRP) consistency review for the proposed rezoning of 0.9+/- acres from BR (Restricted Business) to R1-8 (Single-Family Residential) in order to construct two single-family dwellings

Mon. Co. Tax No.: 026.20-1-56

**The following is a synopsis of the discussion pertaining to the above-referenced request:**

Mr. Copey: This property is off Edgemere Drive, west of Long Pond Road. There is a marina, an existing house and garage, and a separate masonry block accessory building. There is an existing concrete boat launch on the site. The property currently is zoned BR (Restricted Business). The marina has been out of operation for a number of years. The applicant would like to rezone the property to R1-8 (Single-Family Residential) and subdivide into three parcels. They will keep the one large house, the masonry block building will stay, and a new house will be constructed out on the corner of Edgemere Drive and Wake Drive, and another new house on Old Edgemere Drive. It is in the waterfront district. It is eliminating waterfront access by removing the marina; however, it never was a public marina; it always has been private.

Mr. Ancello: There are about eight boat docks and in the last four years, there never have been any boats there.

Mr. Copey: What is shown as a concrete pad on the drawing previously was shown as a fuel tank. I think that we will want to see a Phase 1 environmental assessment done for the site. The other issue may be that the docks that are in disrepair. I think that they should be removed.

Mr. Fisher: Was the intent to allow the neighbors to have access?

Mr. Copey: We discussed having a neighborhood marina with their access only.

Mr. Fisher: The applicant was saying they may work out something with the neighbors to allow them access to that waterway.

Mr. Sofia: What parcel will include the launch?

Mr. Copey: They are showing it as part of the new home, the easternmost lot.

Mr. Sofia: The homes are consistent with the use around it.

Mr. Copey: I drove past and looked at the lot. There is not another house that fronts on Edgemere Drive. I think that this may be built so that it will access and front from Wake Drive. You have Goodwin Park across the way. There is a gravel boat launch there belonging to the Fire Department; it isn't available to the public.

Mr. Fisher: As you enter Goodwin Park, adjacent to the parking area, there is a groove going down to the water that you can launch a canoe or kayak from. So, how do we gauge whether this is consistent with the LWRP?

Mr. Copey: There is an impact, but it needs to be balanced out. Does the good outweigh the bad?

Mr. Fisher: I think that the effect on the surrounding neighborhood is positive.

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Mr. Copey: It might be worth a discussion with John Plummer of the Town's Department of Public Works, regarding enhancing the launch at Goodwin Park or calling out the existing area with a sign. We have all of our boat launches mapped and this isn't one of them. It might be advantageous if we are removing the other waterfront access.

Mr. Fisher: Because the access is not public anyway, the question of taking it away isn't a main issue. I think that it has a positive impact with the zoning change to be more consistent with the surrounding area.

### **Mr. Ancello then made the following motion, seconded by Ms. Plouffe:**

WHEREAS, James Kartes has made application to the Greece Town Board to rezone 0.9+/- acres of land located at 2241 – 2263 Edgemere Drive from BR (Restricted Business) to R1-8 (Single Family Residential) in order to construct two single-family dwellings on the site of an abandoned, private, commercial marina (the "Proposal"); and

WHEREAS, the Code of the Town of Greece, New York, §208-4 (Waterfront Consistency Review Law), authorizes the Planning Board of the Town of Greece to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the Town of Greece Local Waterfront Revitalization Program ("LWRP") policies and standards; and

WHEREAS, the Planning Board finds that the Proposal is consistent with the following policies and standards, described in greater detail in the LWRP:

- Revitalize the deteriorated and underutilized waterfront areas of the Town of Greece;
- Ensure that development occurs where adequate public infrastructure is available;
- Minimize flooding and erosion hazards; and
- Safeguard economic, social, and environmental interests in coastal areas.

NOW, THEREFORE be it

RESOLVED that the Planning Board finds the Proposal to be consistent with the Town of Greece Local Waterfront Revitalization Program policy standards and conditions and, in accordance with the Code of the Town of Greece, §208-(5)(H), hereby recommends that the approving agency render a Determination of Consistency.

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

### **MOTION CARRIED**

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**REZONING RECOMMENDATION**

**1. Applicant: James Kartes**

Location: 2241 – 2263 Edgemere Drive

Request: Rezone 0.9+/- acres from BR (Restricted Business) to R1-8 (Single-Family Residential)

Mon. Co. Tax No.: 026.20-1-56

**The following is a synopsis of the discussion pertaining to the above-referenced request:**

Mr. Copey: The site is located between Edgemere Drive and old Edgemere Drive, near the intersection of Wake Drive and adjoining the Long Pond Outlet. Currently, the site consists of a former private marina and a single-family house.

The applicant proposes to rezone approximately 0.9 acres from BR (Restricted Business) to R1-8 (Single-Family Residential) so that the applicant can subdivide the property for construction of two additional homes and related improvements.

**The site is surrounded by the following zoning and land uses:**

- Northwest, North, Northeast, and East: R1-E (Single-Family Residential) – single-family houses.
- South and West: PL (Public Land) – Long Pond.

**Questions addressed by the Planning Board:**

- Is the proposal in agreement with the recommendations of the 2001 Master Plan Update?  
Yes, residential is more appropriate.
- Would the proposal provide a transition in use or buffering?  
Yes, it is all residential in the surrounding area.
- What would be the effect on the surrounding neighborhood (positive/negative – how so)?  
Positive, more residential.
- Can the land be used as currently zoned?  
Economically, it has not been able to be used as a marina.
- Is the parcel suitable for the proposed use (size, shape, access)?  
Yes. All the lots to the east are very small. These are an increase in lot size.
- Will this set a precedent in the area?  
No, it is already residential.
- What is the best type of use for this land?  
Single-family residential, as proposed.
- Planning Issues:  
Utilities - Present

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Natural Features – The Town will consider enhancing access to the water at Goodwin Park.

Cross Access – Not an issue.

Site Design – Will need area variances for setback and lot depth.

Buffering – none needed.

**Mr. Ancello then made the following motion, seconded by Ms. Plouffe, to recommend that the Town Board approve the proposed rezoning:**

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Plouffe</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Marianetti</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**

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**ADJOURNMENT: 9:30 p.m.**

**APPROVAL OF PLANNING BOARD MEETING MINUTES**

The Planning Board of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Signed:** \_\_\_\_\_

**Chairman**

**Date:** \_\_\_\_\_